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EXAMINER

JONES, SCOTT E

ART UNIT	PAPER NUMBER
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3713

DATE MAILED: 09/17/2003

21

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/739,503

Applicant(s)

REEVES, G. GEORGE

Examiner

Scott E. Jones

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 July 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-51 and 81-93 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-51 and 81-93 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 23 January 2002 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                             | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Response to Amendment***

1. This office action is in response to the request for reconsideration filed on July 7, 2003 in which applicant responds to the claim rejections. Claims 1-51 and 81-93 are pending.

### ***Specification***

2. The disclosure is objected to because of the following informalities:

- On page 1, line 18, the “.” between “performance” and “to” should be deleted.
- On page 4, line 17, “show” should be “shown”.
- On page 7, line 32, “coarse” should be “course”.

Correction is required.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-20, 24-41, 45-51, and 81-93 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reeves (U.S. 5,740,077) in view of Fisher (U.S. 5,507,485).

Reeves (U.S. 5,740,077) discloses a golf round data system including a portable data collection unit adapted to be carried by the user for displaying information to the user and for recording data concerning the golf round. Reeves discloses what is claimed in claims 4, 9-10, 12-19, 29-30, 33-40, 48-49, and 84.

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Although Reeves discloses a display showing golf information to a user, it does not seem to explicitly disclose a device that dynamically generates a graphical view of a selected portion of the golf course based on the user's current location; and having a view showing at least one of the golf course features as recited in claim 1.

However, Fisher (U.S. 5,507,485), like Reeves teaches of a golf computer device that records a golfer's score, statistical data, and other data relating to a golf game. Therefore, Fisher and Reeves are analogous art. Fisher additionally shows:

Regarding Claims 1, 7, 8, 32, 86, 87, 88, 89, 91, and 93:

- dynamically generated a graphical view of a selected portion of the golf course based on the user's current location, said dynamically generated view including a portion of the golf course between the user's current position and the cup for the hole currently being played; or the dynamically generated view is from the current location of the user; or the dynamically generated view is from the vantage point of the user (Figs. 4a-4c, 5, 21, 23, Column 1, lines 6-19, Column 3, lines 39-45, 55-60, Column 4, lines 10-15, Column 9, lines 19-23, Column 10, lines 54-62, and Column 12, lines 8-9);
- a graphic display to display the graphical view of the selected portion of the golf course, the graphical view including at least one of the golf course features (Figs. 4a-4c, 5, 21, 23, Column 1, lines 6-19, Column 3, lines 39-45, 55-60, Column 4, lines 10-15, Column 10, lines 54-62, and Column 12, lines 8-9).

Regarding Claims 2 and 26:

- the course data is transferred to the data collection unit via a wireless communication link (Column 6, lines 10-14, Column 7, lines 5-13).

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Regarding Claims 3, 27, 32, 45, 46, and 85:

- the wireless communication link is a cellular telephone data channel (Column 5, line 52-Column 6, line 14, Column 7, lines 5-13).

Regarding Claims 5 and 25:

- the course data is transferred to the collection unit from a file accessible via the Internet (Column 9, lines 42-44).

Regarding Claim 6:

- the course data is transferred to the data collection unit by installing removable memory media to the data collection unit (Column 6, lines 10-14).

Regarding Claims 11, 31, 51, and 92:

- the graphic display is adapted to show a user's position on a green, the cup in said green, and a representation of forces on a ball on said green along a line between said user position and said cup (Fig. 4c).

Regarding Claims 20 and 41:

- the microprocessor is further adapted for voice recognition of at least one selected word (Fig. 5 (39), and Column 6, lines 46-62).

Regarding Claims 28, 50, and 90:

- the graphic display is adapted to indicate the region on the course within which the ball will probably rest following the user's next stroke taking into consideration a club selected by a user and the predetermined skill level (Abstract, Fig. 5, 23, and Column 11, lines 5-15).

Regarding Claim 47:

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- the stroke data is transferred from the cellular radiotelephone to a data file accessible via the Internet (Column 5, line 52-Column 6, line 14, Column 7, lines 5-13).

Regarding Claim 48:

- the same limitations indicated in Claim 29 except that the portable golf round data system is a cellular radiotelephone that communicates on a cellular network (Column 5, line 52-Column 6, line 14, Column 7, lines 5-13, Column 9, lines 42-44).

Regarding Claim 49:

- the same limitations indicated in Claim 30 except that the portable golf round data system is a cellular radiotelephone that communicates on a cellular network (Column 5, line 52-Column 6, line 14, Column 7, lines 5-13, Column 9, lines 42-44).

Regarding Claim 81:

- the data processor is external to the cellular radiotelephone and the data processor is operatively connected to the cellular radiotelephone through wireless data transfer (Column 6, lines 10-14).

Regarding Claim 82:

- at least a portion of the data storage is external to the cellular radiotelephone (Column 6, lines 10-14).

Regarding Claim 83:

- the display is a proportional graphical map (Figs. 4a-4c).

It would have been obvious to one having ordinary skill in the art, at the time of the applicant's invention, to incorporate the enhancements of the interactive golf game information system of Fisher in the golf round data system of Reeves. Doing so enables a golfer to access

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golf analysis, statistics, predictions, advice and golf course data utilizing a graphics display enhancing the player's golfing experience.

Furthermore, regarding Claims 1, 7, and 93, Fisher teaches, "a golf computer which includes means for automatically locating the position of the cart and/or golfer at any position on any hole or within any golf course. In addition, the golf computer advantageously includes means responsive to said position location (of cart and/or golfer) for automatically updating the computer's graphical display to show the geographical feature of immediate interest to the golfer." (Column 3, lines 55-60). Still further, Fisher discloses, "means for providing multiple selectable views of each hole, including bird's eye, and straight ahead (golfer's perspective) views of the entirety of the hole and the approach to the green (i.e. between the golfer and the hole on the green), as well as, a detailed view of the green including its topographical features such as slopes." (Column 4, lines 10-15, and Column 9, lines 19-23). Lastly, in reference to figure 21, "Display state 280 is the normal" state to which the replay unit returns after executing any of functions 281-286. In state 280, the screen displays a portion of the golf course surrounding the present position of the ball. The player can execute a change view command 282 in order to select an appropriate magnification--i.e., whole, approach or green--and to select an appropriate perspective--i.e., straight ahead or bird's eye. After selection of the desired view, the replay unit returns to the display state." (Column 10, lines 54-62).

5. Claims 21-23, and 42-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reeves (U.S. 5,740,077) in view of Fisher (U.S. 5,507,485) as applied to claims 1-20, 24-41, 45-51, and 81-93 above, and further in view of Lobsenz (U.S. 6,030,109).

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Reeves in view of Fisher teaches that as discussed above with regards to Claims 1-20, 24-41, 45-51, and 81-93. Reeves in view of Fisher seems to meet all of the applicant's claimed subject matter with the possible exception of:

Regarding Claims 21 and 42:

- the stroke register includes a microprocessor adapted to receive and recognize telemetry signals emitted by telemetry equipped golf clubs.

Regarding Claims 22 and 43:

- the telemetry signals include sounds emitted by a telemetry-equipped club when a stroke is taken with said club.

Regarding Claims 23 and 44:

- the telemetry signals include radio signals emitted by a telemetry-equipped club when a stroke is taken with said club.

Lobsenz (U.S. 6,030,109) teaches of a golf scoring system in which one or more sensors are positioned in close proximity to the location where a golf club strikes a golf ball in connection with a golf shot. Lobsenz teaches:

Regarding Claims 21 and 42:

- the stroke register includes a microprocessor adapted to receive and recognize telemetry signals emitted by telemetry equipped golf clubs (Abstract, Figure 1, and Column 2, line 28-Column 3, line 21, and Column 3, line 53-Column 4, line 21).

Regarding Claims 22 and 43:

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- the telemetry signals include sounds emitted by a telemetry-equipped club when a stroke is taken with said club (Abstract, Figure 1, and Column 2, line 28-Column 3, line 21, and Column 3, line 53-Column 4, line 21).

Regarding Claims 23 and 44:

- the telemetry signals include radio signals emitted by a telemetry-equipped club when a stroke is taken with said club (Abstract, Figure 1, and Column 2, line 28-Column 3, line 21, and Column 3, line 53-Column 4, line 21).

It would have been obvious to one having ordinary skill in the art, at the time of the applicant's invention, to incorporate the golf scoring system of Lobsenz in the golf round information system of Reeves in view of Fisher. Doing so enables the golf scoring system of Reeves in view of Fisher to automatically count the numbers and types of strokes taken by a player during the course of a round of golf and for processing, displaying, and transmitting information based upon such count either in real time or after play has concluded.

#### ***Response to Arguments***

6. Applicant's arguments filed July 7, 2003 have been fully considered but they are not persuasive.

7. Applicant respectfully traverses the rejection to claims 1-20, 24-41, 45-51, and 81-93 under 35 U.S.C. 103(a) as being unpatentable over Reeves (U.S. 5,740,077) in view of Fisher (U.S. 5,507,485). Regarding claims 1 and 32, applicant alleges the examiner has misconstrued the term "dynamically generating". That is, dynamically generating a graphical view of a selected portion of the golf course based on the user's location such that the views are generated "on the fly" and change to fit what the user would actually see from the user's vantage point.

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Applicant alleges neither Reeves nor Fisher, alone or in combination teaches or suggests claim 1.

Applicant alleges Fisher, "merely selects one of only three possible pre-loaded views that 'best fits' the user's position on the golf course." The examiner respectfully disagrees. The three possible pre-loaded views that applicant refers to are on the front page of the patent and in Figs. 4a-c. These figures only show one of multiple selectable views of the hole, that being the birds eye view. However, as previously stated in Office Action, Paper No. 19, the examiner believes Fisher teaches dynamically generating a graphical view of a selected portion of said golf course based on said user's current location, said dynamically generated view including a portion of the golf course between the user's current position and the cup for the hole currently being played. Specifically, as mentioned above, Fisher teaches, "a golf computer which includes means for automatically locating the position of the cart and/or golfer at any position on any hole or within any golf course. In addition, the golf computer advantageously includes means responsive to said position location (of cart and/or golfer) for automatically updating the computer's graphical display to show the geographical feature of immediate interest to the golfer." (Column 3, lines 55-60). Still further, Fisher teaches, "means for providing multiple selectable views of each hole, including bird's eye, and straight ahead (golfer's perspective) views of the entirety of the hole and the approach to the green (i.e. between the golfer and the hole on the green), as well as, a detailed view of the green including its topographical features such as slopes." (Column 4, lines 10-15, and Column 9, lines 19-23). Lastly, in reference to figure 21, "Display state 280 is the normal" state to which the replay unit returns after executing any of functions 281-286. In state 280, the screen displays a portion of the golf course surrounding the present position of the ball. The player can execute a change view command 282 in order to select an appropriate

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magnification--i.e., whole, approach or green--and to select an appropriate perspective--i.e., straight ahead or bird's eye. After selection of the desired view, the replay unit returns to the display state.” (Column 10, lines 54-62). Therefore, the combination of Reeves and Fisher renders the claimed invention obvious.

8. Regarding claim 8, Applicant alleges neither Reeves nor Fisher, alone or in combination, teach or suggest the limitation, “requires the graphical display to show the direction in which the user intends the ball to travel due to the next stroke.” Again, applicant points to Fisher’s alleged “automatic selection of one of only three distinct views”. Applicant continues by alleging Fisher, “never once suggests that the intended paths of the ball due to the next stroke be shown to the user.” However, the examiner respectfully disagrees. The examiner directs applicant to Figs. 1 and 4a of the instant application. In each figure, the “intended path of the ball due to the next stroke” is a straight line to the central portion of the green (25). Furthermore, the intended path of the ball is directed down the center of the fairway. The examiner asserts that although Fisher does not explicitly show a “line” on the screen indicating the path of the ball due to the next stroke that Fisher does show, whether in birds eye view or in the player perspective, the intended path of the ball due to the next stroke, that is, typically towards the center of the fairway or green, etc. Therefore, the combination of Reeves and Fisher renders the claimed invention obvious.

9. Regarding claims 11, 31, 51, and 92, applicant alleges Fisher does not teach the graphic display “to show a representation of forces on a ball on said green along a line between said user position and said cup.” Although Fisher does not explicitly show “a series of lines indicating the direction of the breaks, and whose lengths are proportional to the magnitude of the forces at that

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position on the green,” Fisher does teach “a detailed view of the green is given, including topographical features such as slopes” (column 3, lines 39-45 and column 4, lines 10-15).

Therefore, a player is able to ascertain the effects of slope and gravity on a ball when lining up a putt. Furthermore, in response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., a series of lines indicating the direction of the breaks, and whose lengths are proportional to the magnitude of the forces at that position on the green) are not recited in the rejected claim(s).

Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Therefore, the combination of Reeves and Fisher renders the claimed invention obvious.

10. Regarding claims 28, 50, and 90, applicant alleges Fisher does not teach, “said graphic display is adapted to indicate the region on the course within which the ball will probably rest following the user's next stroke taking into consideration a club selected by a user and said predetermined skill level.” However, the examiner respectfully disagrees. As noted in previous Office Action, Paper No. 19, Fisher teaches, “From a given position on the course, the player may invoke the practice shot command 284 to view the predicted results of hypothetical shots, using, for instance, different clubs or swings. This unique feature allows the player, at home, to experiment with alternative approaches to actual game situations. Because the practice shot feature simulates the actual--and learned--stroke capabilities of the particular player, the player may improve his own strategic approach to a given course during idle time at home. After completing the practice shot, the replay unit returns to display state 280.” (column 11, lines 5-15). Furthermore, in response to applicant's argument that the references fail to show certain

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features of applicant's invention, it is noted that the features upon which applicant relies (i.e., requires the display to indicate the probable landing area to the golfer in real time and the device uses stored historical data to compute a probable landing region or area) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Therefore, the combination of Reeves and Fisher renders the claimed invention obvious.

11. Regarding claim 93, applicant alleges Fisher does not teach, "that the graphical view is dynamically generated so that the view reflects what the user sees from the user's vantage point." The examiner respectfully disagrees. Please see the argument above in item No. 8. Therefore, the combination of Reeves and Fisher renders the claimed invention obvious.

12. For the reasons discussed hereinabove, the examiner maintains the rejections stated in Office Action, Paper No. 19.

### ***Conclusion***

13. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott E. Jones whose telephone number is (703) 308-7133. The examiner can normally be reached on Monday - Friday, 8:30 A.M. - 5:30 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Teresa Walberg can be reached on (703) 308-1327. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

SEJ  
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